

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 45422.17.1

FRIEDMAN et al.

Application No.: 10/772,833

Examiner: *Unknown*

Filed: 02/05/2004

Group Art Unit: 3743

For: AUTOMATED BREATH COLLECTION DEVICE

DECLARATION

As a below-named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name.

I believe I am an original and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled AUTOMATED BREATH COLLECTION DEVICE, the specification of which is

____ attached hereto or
____ was filed on 02/5/2004 as United States Application Number 10/772,833 or PCT International Application Number _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the National or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 37 C.F.R. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached Yes <input type="checkbox"/> No <input type="checkbox"/>

I hereby claim the benefit under 37 U.S.C. 119(e) of any United States provisional application(s) listed below.

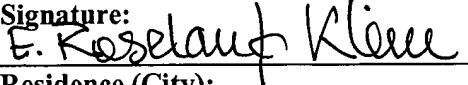
<i>Application Number(s)</i>	<i>Filing Date (MM/DD/YYYY)</i>	<input type="checkbox"/> <i>Additional provisional application numbers are listed on a supplemental priority data sheet attached hereto</i>

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

<i>Application Numbers</i>	<i>Filing Date (MM/DD/YYYY)</i>	<i>Status (Patented, Pending, Abandoned)</i>

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor	<input type="checkbox"/> <i>A petition has been filed for this unsigned inventor</i>		
Given Name (First and Middle [if any]) Mitchell	Family Name or Surname: Friedman		
Inventor's Signature:	Date:		
Residence (City):	State:	Country:	Citizenship:
Mailing Address:			
Mailing Address:			
City:	State:	Zip:	Country: USA

Name of Person Signing on Behalf of Second Inventor, Peter Klein		<input checked="" type="checkbox"/> <i>Please see attached Added Page to Combined Declaration for Signing By Administrator(trix), Executor(trix) or Legal Representative on Behalf of Deceases or Incapacitated Inventor (37 CFR 1.42 and 1.43)</i>		
Given Name (First and Middle [if any]) E. Roseland		Family Name or Surname: Klein		
Signature: 		Date: 08/01/04		
Residence (City): Fort Davis		State: TX	Country: US	Citizenship: US
Mailing Address: 100 Panther Run				
Mailing Address: HC 74, Box 112				
City: Fort Davis	State: TX	Zip: 79734	Country: US	
<input type="checkbox"/> <i>Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) attached hereto.</i>				

#2909407\1



**ADDED PAGE TO COMBINED DECLARATION
FOR SIGNING BY ADMINISTRATOR(TRIX), EXECUTOR(TRIX)
OR LEGAL REPRESENTATIVE ON BEHALF OF DECEASED OR
INCAPACITATED INVENTOR (37 CFR 1.42 AND 1.43)**

I, E. Roseland Klein, hereby declare that I am a citizen of the United States of America, residing at 100 Panther Run, HC 74, Box 112, Fort Davis, Texas 79734, and that I am executing and signing the declaration to which this is attached as

the administrator(trix) of
 executor(trix) of the last will and testament of
 legal representative (or heirs) of

Peter Klein

Full name of (first, second etc.) deceased or incapacitated inventor

United States of America

Country of citizenship of deceased or incapacitated inventor

271 Glen Haven Blvd., Houston, Texas 77025

Residence of deceased or incapacitated inventor

271 Glen Haven Blvd., Houston, Texas 77025

Post Office Address of deceased or incapacitated inventor

That, upon information and belief, I aver those facts that the inventor is required to state.

Date: 08/01/04

E. Roseland Klein
E. Roseland Klein
Signature of Administrator(trix),
executor(trix), legal representative
(or all heirs)

NOTE: Proof of authority of the administrator(trix), executor(trix) or legal representative must be recorded in the PTO or filed in the application before the grant of the patent. 37 CFR 1.44.

NOTE: Application may be made by the heirs of the inventor if a certificate of the court will establish that they are all heirs and the estate was not required to appoint an administrator. If the heirs are signing add lines for all the heirs to sign. MPEP § 409.01(a), 6th ed., rev. 3.

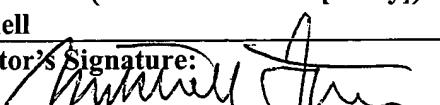
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Name of Sole or First Inventor	<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (First and Middle [if any]) Mitchell	Family Name or Surname: Friedman		
Inventor's Signature: 	Date: 7-29-04		
Residence (City): Baltimore	State: MD	Country: USA	Citizenship: USA
Mailing Address: 9633-B LIBERTY ROAD			
Mailing Address: RANDCASTOWN			
City:	State: MD	Zip: 21133	Country: USA